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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NALINI KUMAR, an individual, **ALLEN SINGH**, an individual.

Plaintiffs,

v.

NATIONWIDE MUTUAL INSURANCE COMPANY, a corporation and **DOES 1-10**,

Defendants.

Case No. 2:23-cv-02312-DAD AC

**STIPULATION AND REQUEST TO
MODIFY SCHEDULING ORDER TO
CONTINUE EXPERT DISCOVERY
DEADLINES ONLY BY THIRTY DAYS;
[PROPOSED] ORDER**

1 Plaintiffs Nalini Kumar and Allen Singh (Plaintiffs) and Defendant Nationwide Mutual
2 Insurance Company (Nationwide), stipulate to the following:

3 **RECITALS**

4 WHEREAS this is an insurance bad faith action involving a residential property that was
5 damaged during a fire;

6 WHEREAS Plaintiffs originally filed this action in the Northern District of California;

7 WHEREAS on October 12, 2023, the case was transferred to the Eastern District of
8 California;

9 WHEREAS the parties had completed fact discovery before the transfer;

10 WHEREAS on March 6, 2024, the parties appeared for a scheduling conference.

11 WHEREAS on March 7, 2024, the Court issued its Scheduling Order (Dkt. No. 100)
12 which, in part, set deadlines as follows:

- 13 • Initial Expert Disclosure and Rule 26(a)(2) Report Production: August 30, 2024;
- 14 • Expert Rebuttal Disclosure and Rule 26(a)(2) Report Production: September 30,
15 2024;
- 16 • Expert Discovery Cut-Off: October 30, 2024;
- 17 • Final Pretrial Conference: March 10, 2025;
- 18 • Trial: May 19, 2025.

19 WHEREAS the parties filed cross-motions for summary judgment on May 8,
20 2024, for hearing on June 18, 2024;

21 WHEREAS the Court vacated the hearing date and has the cross-motions under
22 submission;

23 WHEREAS, pursuant to the Scheduling Order, the Parties may file a stipulation
24 requesting an order extending time on a showing of good cause;

25 WHEREAS, good cause exists to extend each of the expert deadlines by thirty (30) days:

- 26 • Both sides have experienced some challenges in getting their retained experts
27 properly prepared under the current timeframe, especially in light of the number

of experts retained on each side, as well as the large quantity of documents and files to review in this matter.

- There have been no prior requests for extensions to any of these deadlines.
- This request for modification of the expert discovery deadlines will not affect any other deadlines or events set in this matter, including but not limited to the pretrial conference, trial date or any mandatory settlement conference.
- Dispositive motions from both sides have been fully briefed and are currently pending before the Court;
- Counsel for each side are also currently tied up on deadlines for other matters:
 - Plaintiffs' counsel have two separate insurance appraisals set in the next thirty days, two federal cases with fact discovery cut-off in the next two months, and two appeals pending briefing in the next two months.
 - Defense counsel are currently involved in (1) a matter with an October 15, 2024 trial date and currently in the pretrial motion stage, (2) another matter with summary judgment motions due at the beginning of September and with a December trial date, and (3) another state court case with an October 14, 2024 trial date in which there are many depositions set pre-close of discovery.

THEREFORE, the Parties, by and through their respective counsel of record, agree and stipulate that the expert discovery deadlines in this matter be extended by thirty (30) days as follows:

- Initial Expert Disclosure and Rule 26(a)(2) Report Production: September 30, 2024;
- Expert Rebuttal Disclosure and Rule 26(a)(2) Report Production: October 30, 2024;
- Expert Discovery Cut-Off: November 29, 2024;

IT IS SO STIPULATED.

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1 Dated: August 21, 2024

KERLEY SCHAFFER, LLP

2 /s/ Dylan L. Schaffer

3 DYLAN L. SCHAFFER

4 Attorney for Plaintiffs

5 Dated: August 21, 2024

DENTONS US LLP

7 /s/ Samuel D. Jubelirer (as authorized on 8/21/24)

8 SAMUEL D. JUBELIRER

9 Attorneys for Nationwide Mutual Insurance

Company

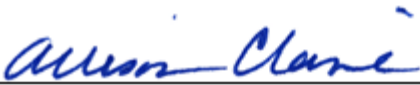
ORDER

Good cause having been shown and based on this stipulation, IT IS HEREBY ORDERED that the expert discovery deadlines in this matter are modified as follows:

- Initial Expert Disclosure and Rule 26(a)(2) Report Production: September 30, 2024;
- Expert Rebuttal Disclosure and Rule 26(a)(2) Report Production: October 30, 2024;
- Expert Discovery Cut-Off: November 29, 2024;

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: August 22, 2024


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

ATTESTATION

This document is being electronically filed through the Court's ECF System. In this regard, counsel for Plaintiffs hereby attests that: (1) the content of this document is acceptable to all persons required to sign the document; (2) Defendant's counsel has concurred with the filing of this document; and (3) a record supporting this concurrence is available for inspection or production if so ordered.

Dated: August 21, 2024

KERLEY SCHAFFER, LLP

/s/ Dylan L. Schaffer
DYLAN L. SCHAFFER
Attorney for Plaintiffs